

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7764 of 2015

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Sarita Devi. Wife of Sri Ravindra Mishra @ Ravi Mishra. Resident of village - Rahta, Tola - Bhawanipur, Ward No.- 3, P.S.- Kumarkhand, District - Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar through the Director I.C.D.S., Bihar, Patna.
2. The District Magistrate, Madhepura.
3. The Child Development Project Officer, Kumarkhand, Madhepura.
4. Smt. Anita Devi. Wife of Sri Ravindra Chudhary. Resident of village - Rahta, Tola Bhawanipur, Ward No.2, P.S.- Kumarkhand, District - Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Adv
For the Respondent/s : Mr. GP12-Madhuresh Prasad

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 14-09-2015 Heard learned counsel for the parties as with regard to the following relief prayed in this writ application:-

“For issuance of an appropriate writ directing and commanding the respondents to produce a copy of the order by which the respondent no. 4, has been appointed on the post of Anganbadi Sevika and upon such production be further pleased to quash the said order.”

Learned counsel for the petitioner has submitted that the petitioner may be allowed to move the competent authority as with regard to infirmity in the appointment of respondent no. 4.

Learned counsel for the petitioner has submitted



that respondent no. 4, had secured her appointment by giving a false declaration of her age and that the C.D.P.O. Kumarkhand, Madhepura, while giving approval to such proposal of appointment of respondent no. 4, did not offer opportunity to the petitioner, who was the complainant in respect of false declaration of age of respondent no. 4.

Learned counsel for the petitioner however has agreed that against the aforesaid decision, she had not moved before the competent authority namely, the District Programme Officer, Kumarkhand, Madhepura but only before the Collector of the district.

In view of the fact, that the Collector of the district now in the Anganbadi Sevika guidelines has been vested with no power to interfere with the selection and appointment on the post of Anganbadi Sevika and the petitioner seeks leave of this Court to move before the competent authority namely, District Programme Officer, Madhepura, this application is permitted to be

withdrawn as prayed for with a liberty to the petitioner to move before the District Programme Officer, Madhepura, who on being approached, may examine the matter, in accordance with law but only after affording opportunity of hearing both to the petitioner as also to the respondent no. 4.

With the aforesaid liberty and observation this application is permitted to be withdrawn as prayed for by the learned counsel for the petitioner.

(Mihir Kumar Jha, J)

Ranjan/-

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